

CHARLES S. WEST.

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It will be observed in this work that the State of South Carolina has furnished many ornaments to the Bench and Bar of Texas. The patriotism, love of liberty, and heroic spirit of the young Republic and State were congenial to the sentiments which the nurseries of that State inspired in the minds of genius and ambition, and many of its sons cast their lot early in life with the destinies of the Lone Star; among these were Rusk, Hemphill, Lipscomb, the two Jacks, Roberts, Brewster, and the subject of this sketch; men who largely shaped the proud career of Texas and adorned and elevated its jurisprudence.

Charles Sherman West, one of the associate justices of the Supreme Court of Texas, was born in Camden, South Carolina, on the 24th day of September, 1829. Here his father, John C. West, a native of North Carolina, long lived a respected and honored citizen, and died in 1855. He served two terms as sheriff of Kershaw District, and was for many years teller in the old bank of Camden. His mother, Nancy Clark Eccles, who was connected with the Thorntons, Eccles, Clarks, and other old Carolina families, was educated in the then famous Moravian School at Salem, North Carolina, and was a lady of literary taste and superior culture. She was often a contributor to the *Augusta Mirror*, and prided herself in efforts to establish a State literature that would foster and encourage Southern genius.

Her son, the subject of this sketch, enjoyed the best early advantages and was thoroughly prepared for college under the instruction of noted teachers in his native town. In 1845 he was sent to Jefferson College, at that time a noted Presbyterian institution, at Cannonsburg, Pennsylv-

vania, and under the supervision of the celebrated divine, Dr. Robert J. Breckinridge, of Kentucky. In 1846 he returned to his native State and became a student in the College of South Carolina, which was then presided over by the famous scholar and orator, William C. Preston, and in which Francis Leiber, the well known writer on political economy, was a professor, and he graduated at this institution in 1848.

On leaving college Mr. West returned to his native town, and finding himself in needy circumstances engaged, during the years 1849-50, as a teacher of a small school in the Boykin family at Pleasant Hill, a few miles from Camden, and during that time devoted his spare hours to the study of law under the guidance of James Chesnut, who was afterwards United States Senator, and during the civil war a member of President Davis' staff. This accomplished gentleman took great interest in the young student, encouraged and aided him in many ways, and to his precepts and the sentiments which he inculcated, Judge West owes more than to any other person the reputation and eminence which he has attained at the Texas bar as one of the ablest practitioners and thorough lawyers in the State.

In the spring of 1851 he was admitted to the practice of his profession at Columbia, and located at Camden, but the litigation in those times being generally on a large scale and legal patronage being confined for the most part to experienced practitioners who had served their *viginti annorum lucubrationes* and established their reputation, he met with but little immediate encouragement, and chafing under the restraints of an arbitrary custom he determined to leave his native State and seek other fields.

In the fall of 1852 he immigrated to Texas and settled at Austin, where, on his arrival, he had but seven dollars and fifty cents in his pocket, which he had borrowed, and was really without a dollar of his own in the world. During the first two years of his residence in Austin his success was limited, but in 1854, Colonel H. P. Brewster, a South Carolinian, who had come to Texas under similar circumstances, sympathizing with the efforts of his young fellow-

statesman, took him into copartnership, and from that date, starting with a moderate practice, the star of his professional eminence took its way toward the zenith.

In 1855 he was elected a member of the Sixth Legislature of Texas, as the representative of the Capital District, and participated prominently in the discussion of the important questions of the day. His speeches in defense of General Rusk, on the public debt bill, on the questions which at that time agitated the South, and other subjects, attracted public attention and gained him popularity.

In 1856 he formed a copartnership with Hon. John Hancock, and the firm became one of great celebrity. For many years they did the leading practice in their section of the State, including many counties of Central Texas. They were particularly noted for their extensive land practice, their large business in the Federal courts, and for their success as the attorneys and representatives at Austin of the Houston and Texas Central Railroad.

In 1861 Mr. West was elected Secretary of State under Governor Lubbock, but in 1862 he entered the Confederate service and was appointed Assistant Adjutant-General, with the rank of Captain, on the staff of General Hebert, and subsequently served in the same capacity on the staff of General Magruder. At the battle of Galveston he was on the staff of General Scurry, and both that officer and General Magruder gave him complimentary mention for valuable services and good conduct in their reports. During the last year of the war he served on the staff of General E. Kirby Smith, in the Adjutant-General's department, and was with the command of General Scurry when that officer was killed in the battle of Jenkins' Ferry, on the Sabine River, in Arkansas. He was promoted for gallantry in this action to the rank of Major, and was assigned to duty as Judge-Advocate in the Trans-Mississippi department, and held this position until the close of the war.

At the termination of hostilities Judge West returned to Austin and resumed his copartnership with Judge Hancock, and the business of the firm soon became equal to that of any in the State in all the branches of the profession. In

1874, he was admitted to practice in the Supreme Court of the United States, and argued before that court, among others, the very important case of *Connett v. Williams*, which increased his reputation as an advocate and learned lawyer. In 1876, under an act passed in pursuance of the requirements of the new Constitution, he was appointed by Governor Coke one of the first commissioners to revise the Code of the State. He was made chairman of the committee, and devoted, in conjunction with his colleagues, all his energies and learning to the compilation of the present Revised Statutes of Texas, which attest in the highest degree the eminence of its authority.

He also represented Travis, and a number of adjoining counties, in the convention which framed the Constitution of 1875, and was chairman of the important committee on general provisions. He was not satisfied with the draft of the constitution when it was presented to the convention, and opposed its adoption as being, in his judgment, defective, but voted for it at the polls as being far superior to the existing organic law.

In December, 1881, he was elected an Associate Justice of the Supreme Court, and holds that position at the present time. His learning and integrity, his powers of research, his calm patience and courteous dignity, eminently fitted him for this elevated position, and he forms one of a trio of judges whose qualities and ability revives the "old court" of other days.

As a lawyer, Judge West was particularly noted for being a most consummate pleader, and an excellent practitioner, and was considered one of the ablest chancery and Federal court lawyers at the Texas bar. He prepared his cases with great care and research, and maintained his side in argumentation with the skill of a thorough dialectician. The merits of his cases lacked nothing which labor and learning could impart to them, and conscientious fidelity to the interest of his clients endowed his efforts with confidence and satisfaction, and success crowned his professional virtues.

As a judge his opinions are noted for their clearness and precision, and have the special merit of adducing all

the former decisions of the court upon the question at issue, and sifting from them every analogy and application to the merits of the case at bar, and laying down clearly the views of the present court, so that no conflict can arise between the assertion of a general principle and a particular state of facts.

In private and social life, Judge West is somewhat reserved in his manners, but he is a generous, courteous and kind-hearted man, and his personal qualities are staunchly subsidiary to his professional attainments. He was married in 1859 to Miss Florence Randolph Duval, eldest daughter of Hon. Thomas H. Duval, who so long and satisfactorily occupied the position of United States District Judge for the Western District of Texas. Her grandfather was Hon. William P. Duval, the first Governor of Florida, and the Ralph Ringwood of Washington Irving's "Tales of Bracebridge Hall," whose intimate friendship he enjoyed. Mrs. West was a highly accomplished lady, a charming vocalist, and would have been an ornament to any society. She possessed a rare poetic taste and genius. A small volume of her poems have been published for private circulation only, and they are of superior literary excellence. Judge West is not a member of any religious denomination, but has a predilection for the Protestant Episcopal Church, and for thirty years has been a regular attendant upon the services of that communion.